

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 3, 5, 7, 9-13 and 15-19 is respectfully acknowledged.

These claims, however, have not been rewritten in independent form at this time since, as set forth in detail hereinbelow, it is respectfully submitted that their parent claim 1 also recites allowable subject matter.

THE SPECIFICATION

The specification has been amended to add an abstract on a separate page and to add section headings, as required by the Examiner. In addition, the specification has been amended to add a Summary of the Invention based on independent claim 1, as well as to correct a minor informality at the bottom of page 1.

No new matter has been added, and it is respectfully requested that the amendments to the specification be approved and entered, and that the objections to the specification be withdrawn.

THE CLAIMS

Claim 1 has been amended to make some minor clarifying amendments so as to more clearly recite the features of the speed governor of the present invention in better U.S. form.

In addition, claims 2-19 have been amended to better accord with amended claim 1, as well as to make some minor grammatical improvements.

Still further, new independent claim 20 has been added to more explicitly recite a pneumatic high speed motor including the speed governor of the present invention as recited in claim 1.

No new matter has been added, and it is respectfully requested that the amendments to the claims and the addition of claim 20 be approved and entered.

It is respectfully submitted, moreover, that the amendments to the claims are not related to patentability, and do not narrow the scope of the claims either literally or under the doctrine of equivalents.

THE PRIOR ART REJECTION

Claims 1, 2, 4, 6, 8 and 14 were rejected under 35 USC 102 as being anticipated by USP 4,671,068 ("Moody et al"). This rejection, however, is respectfully traversed.

Moody et al discloses a turbocharger for a combustion engine, in which the turbocharger is driven by exhaust from the

engine, wherein adjustable nozzle vanes are used to control the speed of the exhaust-driven turbine motor. According to Moody et al, the nozzle vanes 20 are positioned by a control arm 28, which is urged leftward in Fig. 1 by spring 60, and the position of which is controlled by the actuator 50. More specifically, according to Moody et al, the control arm 28 is mounted to a diaphragm 56, which is urged leftward by the spring, and which is positioned between pressure chamber 54 and vacuum chamber 52. The pressure in the chambers 54 and 52 of Moody et al is controlled by EPR 66 and EVR 62, respectively, which are controlled by a boost controller 70.

It is respectfully submitted that this complicated structure of Moody et al differs in both structure and function from the present invention.

More specifically, according to the present invention as recited in independent claim 1, the speed governor comprises a valve element that is shiftable between an open position and a closed position for controlling pressure air flow through a pressure air inlet passage, and a spring which continuously biases said valve element toward said open position. It is respectfully submitted that Moody et al does not disclose, teach or suggest a spring-biased valve element that controls pressure air flow as recited in claim 1. That is, it is respectfully submitted that Moody et al merely discloses nozzles that vary the

attack angle of the exhaust gas, rather than a speed govern valve element that varies the inlet gas flow, as recited in claim 1.

In addition, according to the present invention as recited in claim 1, the valve element has an activating which is acted on by the output pressure of the compressor, which is driven by a rotor of a high speed motor. It is respectfully submitted that Moody et al does not disclose a valve element which has an activating surface as recited in claim 1.

Indeed, according to claim 1, the valve element is activated by an activating force that is responsive to the speed of the output pressure of the compressor, which is in turn responsive to the speed of the rotor (which drives the compressor), so as to shift the valve element toward the closed position at rotor speeds higher than a desired speed level.

By contrast, the actuator 50 of Moody et al is controlled by the boost controller 70 via the EVR and EPR. That is, the present invention provides a much less complicated structure, whereby the valve element shifted in response to the rotor speed as explained above, instead of the far more complicated structure of Moody et al, whereby the boost controller 70 and EVR and EPR are provided to control the actuator 50 to control the attack angle of the nozzles. It is respectfully submitted that the structure disclosed by Moody et al is therefore not applicable to small and compact turbine installations such as in power tools.

Still further, it is respectfully submitted that the device disclosed by Moody et al is not a speed governor, in that the structure disclosed by Moody et al is not intended to maximize the speed level of a high speed motor to a desired predetermined operating speed level, in the manner of the claimed present invention. By contrast, the device of Moody et al is intended to regulate the power output of the compressor in response to a desired power output of the combustion engine as determined by the boost controller.

Accordingly, it is respectfully submitted that Moody et al clearly does not disclose, teach or suggest the structure of the present invention as recited in independent claim 1, or the corresponding structure recited in new independent claim 20.

In view of the foregoing, it is respectfully submitted that the present invention as recited in independent claim 1, new independent claim 20, and claims 2-19 depending from claim 1 clearly patentably distinguishes over Moody et al, under 35 USC 102 as well as under 35 USC 103.

* * * * *

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, NY 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
DH:iv
encs.